



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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July 21, 2016

Sabraton Properties, LLC  
c/o Michael J. Saab  
6 Canyon Road Suite 300  
Morgantown, WV 26508

**RE: V16-19 and V16-20 / Sabraton Properties, LLC / 1589 Earl Core Road  
Tax Map 31, Parcels 105.1, 108, 111 & 149.2**

Dear Mr. Saab:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed development at 1589 Earl Core Road. The decisions are as follows:

**Board of Zoning Appeals, July 20, 2016:**

**V16-19** – Minimum front setback variance.

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from Article 1347.04(A)(2) to permit a 28.45 foot variance from the maximum front setback standard.

**V16-20** – Parking between the front façade and street right-of-way

- A. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
- B. The Board granted variance relief from Article 1347.06(B) to permit nine (9) parking spaces between the front façade of the building and Earl Core Road as requested without conditions.

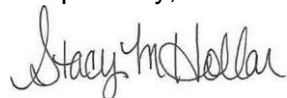
These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals were granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,



Stacy Hollar  
Executive Secretary

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## ADDENDUM A

### Approved Findings of Fact

#### V16-19 – Maximum Front Yard Setback

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This situation exists on each side of this property by adjoining AutoZone and Walgreens businesses, which do not appear to harm general public welfare or neighboring property rights.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

With the existing cross access drive connections for each business on either side of the petitioner's site, the Planning Office thought it appropriate to maintain the connection and its alignment advancing best access management practices desired under Article 1365.09(B)(3), which requires the proposed building to be set back further from Earl Core Road than the maximum front setback standard.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Approving this variance will allow for cross access from neighboring businesses as desired under Article 1365.09(B)(3).

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The setback is consistent with setbacks on each side of petitioner's property.

**V16-20 – Parking between the front façade and street right-of-way**

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

This situation exists by the neighboring AutoZone and Walgreens businesses on each side, which do not appear to harm general public welfare or neighboring property rights.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

Maintaining the location and alignment of the existing cross access drive connections for each business on either side of the petitioner's site as desired under Article 1365.09(B)(3) consumes potential parking development at the rear of the site. To meet minimum parking requirements for the proposed fast food restaurant, it appears necessary to utilize the area between the front property boundary and the cross access drive to develop requisite parking spaces.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

This allows applicant to obtain the required amount of parking while maintaining cross access connections between adjoining parking lots as desired under Article 1365.09(B)(3).

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Neighboring business have both been approved for this variance request and the granting of the petitioner's request advances best access management practices desired under Article 1365.09(B)(3).